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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,812	09/08/2000	Uwe Heitmann	31653-165337 RK	2986

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EXAMINER

LOPEZ, CARLOS N

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 02/05/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-12

Office Action Summary

Application No.

09/657,812

Applicant(s)

HEITMANN, UWE

Examiner

Carlos Lopez

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 13-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 23-24 is/are rejected.
- 7) ☒ Claim(s) 8-12 and 20-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

The amendment filed on 11/27/03 has been entered as Paper No.11. The amendment obviates the rejections of claims 5-9 and 20-22 made under 35 U.S.C 112 2nd Paragraph.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1) Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Molins et al (GB 1,442,751). Molins et al disclose an arrangement for reducing noise emanating from a cigarette-making machine¹. The arrangement comprises of damping mats disposed on cladding enclosing the cigarette-making machine². As for claim 2, cigarette-making machines 45 and 30 are disposed at an angle to one another².

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2) Claims 1, 5-7 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molins et al(GB 1,442,751) as applied to claim 1 above, and further

¹ Page 2 lines 1-15 and Page 3 lines 102-110.

² See Figure 1.

in view of Kieseewette (DE 2758041) and Fuchs et al (US 5,975,238). Molins sound damping mats comprises of plywood or sheet metal². Molins is silent disclosing exchangeable damping mats in the form of truncated cones. However, DE 2758041 teaches that truncated cones provide efficient noise damping characteristics and easy to clean damping elements. Furthermore as taught by Fuchs, the mounting and dismounting of damping elements via numerous joining methods such screws (Fuchs' claim 6) is advantageous in order to remove or dispose of residues on the damping elements without difficulty³. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to have modified Molins damping mats as detachable truncated cones as taught by Kieseewette and Fuchs in order to provide damping mats that are more efficient in noise damping and are easy to clean. Furthermore, the claimed truncated cones damping elements are well known as shown by Jablonka (US 4,555,433)⁴.

As for claims 23-24, external noise of the tobacco machine would be absorbed/minimally reflected by the damping materials.

Allowable Subject Matter

Claims 8-12 and 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The cited prior art does not disclose or reasonably suggest a damping mats between the inside and outside cladding sheets of a removable carriage of a tobacco processing machine as recited in

³ Column 5 lines 14-22.

⁴ Column 1 lines 65-68.

claims 8-9. The prior art does not disclose or reasonably suggest a inside and outside cladding sheets with reflection surfaces interposed between the sheets as recited in claims 10-11. The cited prior art does not disclose or reasonably suggest a tobacco machine including a profile strip having a cladding sheet inserted therein and limiting a hollow space filled with damping mats as recited in claim 12. Nor the cited prior art disclose or reasonably suggest a tobacco machine having sound damping material cladding the flow conduits as recited in claims 20-22.

Response to Arguments

Applicant's arguments filed 11/27/02 have been fully considered but they are not persuasive. Applicant argues that the damping material is disposed on the reflection surfaces facing the operator where as in Molins the damping material is the reflection surfaces. Molins discloses that "sound proofing panel forming the enclosure may, for example, have an outer skin formed from ½ inch thick plywood or 16 gauge sheet metal"¹. It is considered that a ½ inch thick plywood is sound damping material.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lopez whose telephone number is (703) 605-1174. The examiner can normally be reached on Mon.-Fri. 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (703) 308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

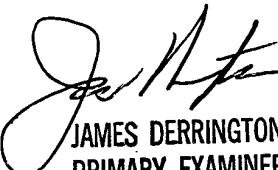
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

C.L.
February 2, 2003


JAMES DERRINGTON
PRIMARY EXAMINER
ART UNIT ~~137~~-1731